IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY, LOIS HESS, AND KAY KLAUSNER,)))
Plaintiff,)) CIVIL NO. 10-cv-00693-JPG-CJP
VS.)
INNER-TITE CORP.,)
Defendant.))

DEFENDANT'S MOTION TO DISMISS

Inner-Tite Corp. ("Inner-Tite"), through its counsel, moves this Court to dismiss Plaintiffs' complaint pursuant to Federal Rules of Civil Procedure 8, 9(b) and 12(b)(6) because they have failed to state a claim for with relief can be granted. Inner-Tite further requests dismissal pursuant to rule 12(b)(1) because allowing these *qui tam* plaintiffs to prosecute claims under section 292 violates the "Take Care" clause of the Article II of the United States Constitution. The arguments and legal authorities supporting this motion are further set forth and detailed in the Defendant's Memorandum in Support of its Motion to Dismiss, which is being filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, Inner-Tite requests that this Court dismiss the claims against Inner-Tite with prejudice, and that this Court award to Inner-Tite such further relief as this Court deems just and equitable.

Respectfully submitted,

INNER-TITE CORP.

By: <u>/s/ Rebecca M. Rothmann</u>
One of its attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th of November, 2010, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operations of the Court's electronic filing systems to all parties indicated on the electronic filing receipt. All other parties will be served by Regular U. S. Mail. Parties may access this filing through the Court's System.

/s/ Rebecca M. Rothmann
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